

**MINUTES OF THE MEETING  
OF THE  
BOARD OF PHYSICAL THERAPY**

**August 15, 2005**

**CALL TO ORDER**

Wayne Stuberg, Chairperson, called the meeting of the Board of Physical Therapy to order at 9:05 a.m., August 15, 2005, in Conference Room Lower Level D, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda ten (10) days prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Regulation and Licensure at least twenty-four (24) hours prior to the meeting.

**Roll Call**

The following Board members, HHSS staff and visitors were present at the meeting:

Wayne Stuberg, Chairperson  
Karen Brown, Vice-Chair (Entered at 9:08 a.m.)  
Susan Jeffrey, Secretary  
Raymond Frew, Lay Member

Diane Hansmeyer, Section Administrator  
Delores James, Credentialing Coordinator  
Mike Grutsch, Program Manager for Investigations  
Loretta Bennett, Investigations  
Peggy Persell, Investigations  
Brad Shaff, Assistant Attorney General

**Adoption of the Agenda**

Jeffrey moved, seconded by Frew, to adopt the agenda with the addition of agenda item Meeting with the Department of Education, HHSS and Medicaid as G under new business. Voting Aye: Stuberg, Jeffrey and Frew. Voting Nay: none. Brown, absent and not voting. Motion carried.

**Approval of Minutes**

Jeffrey moved, seconded by Stuberg, to approve the minutes of the May 23, 2005 minutes as corrected and the June 17, 2005 minutes as written. Voting Aye: Brown, Jeffrey, Stuberg and Frew. Voting Nay: none. Not voting: None. Motion carried.

**INVESTIGATIONAL REPORT(S) (Closed Session)**

Stuberg moved, seconded by Jeffrey, to go into closed session at 9:27 a.m. for the purpose of hearing investigational report(s) and to protect the reputation of individuals. Voting Aye: Stuberg, Jeffrey, Frew and Brown. Voting Nay: none. Not voting: None. Motion carried.

**Out of Closed Session**

Jeffrey moved, seconded by Frew, to come out of closed session at 10:10 a.m. Voting Aye: Jeffrey, Frew, Brown and Stuberg. Voting Nay: none. Not voting: None. Motion carried.

Bennett, Persell and Grutsch left the meeting at 9:50 a.m.

### **TOEFL INTERNET-BASED TESTING**

Hansmeyer announced that TOEFL is changing to a new internet based test, which will be introduced in September 2005 in the United States, October in Canada, France, Germany and Italy, and to the rest of the world in 2006. The new test will include the following changes:

- All four language skills that are important for effective communication: Speaking, Listening, reading, and writing.
- Some questions require test takers to combining more than one skill.
  - read, listen, and then speak in response to a question
  - listen and then speak in response to a question
  - read listen, and then write in response to a question
- Includes a speaking section. This section includes six tasks and test takers wear headphones and speak into a microphone when they respond. The responses are digitally recorded and transmitted to ETS's Online Scoring Network where human scorers rate them.
- The writing section has been expanded. The new test requires test takers to write a response to material they have heard and read, and to compose an essay in support of an opinion.

Shaff left the meeting at 11:03 a.m.

Stuberg asked how this would relate to the motion that is coming up with the house of delegates for the Federation. Hansmeyer responded by saying that the Board has three scores within regulations and there is a means, because ETS has put it on their website, of comparing those scores to the States that have been taking the test. She stated that eventually the Board would need to revise the regulations to accurately reflect the way that the test is going to be and to try to do that the next time the regulations are revised. This also means that you have to establish whatever the score is going to be.

The Federation has had the opportunity to participate in the TOEFL Standard Setting Program along with the National Board of Pharmacy, the National Council of State Boards of Nursing, the National Board for Certification of Occupational Therapy, the Commission on Graduates of Foreign Nursing Schools, The American Veterinarian Medical Association, and Educational Commission for Foreign Veterinarian Graduates. The Federation Delegate Assembly is going to propose that the Federation adopt those scores.

Hansmeyer stated that the subject was put on the agenda so the Board representatives would be prepared for when they went to the delegate assembly and to know if they should support the scores and also for the purpose of deciding what the board should do in their regulations.

Stuberg stated that their regulations contain a minimum passing score of 560 and TOEFL examination committee is recommending sub category scores. Writing is 24, speaking is 26, reading comprehension 18, listening comprehension 21 for a total score of 89. This Board will

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have to make a decision about how to handle a person who doesn't pass a component, but gets an adequate total score. Is that okay?

Hansmeyer said that she did not know everything about that test that is why she is not asking the board to make a decision at this time. Hansmeyer and Stuberg will get more information on the testing, which they will share with the other board members at the next board meeting.

### **SCOPE OF PRACTICE**

#### **Can PTA's Perform Hippotherapy?**

It was determined that hippotherapy is therapeutic horseback riding. The Board will carry this subject over until the next meeting because they need more information as to how hippotherapy would be used by a physical therapist assistant.

Stuberg moved, seconded by Brown, that hippotherapy not be added to the list of functions of physical therapist assistants and that an invitation be extended to the person who asked the question to come to the next meeting or to submit more information on this subject and that the Board reconsider their decision at that time. Voting aye: Stuberg, Jeffrey, Brown and Frew. Voting nay: None. Not voting: None. Motion carries.

### **OLD BUSINESS**

#### **ULL Update & Practice Act Changes**

Hansmeyer stated that the Department staff would be going back to boards to find out what you feel that boards should have the final decision on. She said that some of the things that we heard from boards were that they felt that they should have final decision on what the requirements for licensure shall be, continuing competency activities, and reinstatement.

The Board stated that they would like to make the final decision on the following:

- Reinstatement for disciplinary action: The Board would like to take the first action on reinstatement.
- Continuing Competency: The board should retain this function.
- Licensure Requirements: The board should retain this function.
- The Board thinks the rewrite of ULL should retain the position of the Board for protection of the public.

### **NEW BUSINESS**

#### **Reaffirmation of Mail Ballots**

Stuberg moved, seconded by Brown, to reaffirm the mail ballots to appoint Stuberg as the delegate and Jeffrey as the alternate, and the recommendation of reinstatement for James Lee Evers.

Voting aye: Jeffrey, Brown, Stuberg and Frew. Voting nay: None. Not voting: None. Motion carried.

#### **FSBPT Liaison Letter**

The FSBPT letter was about the course work tool. They are challenging the jurisdictions to think about using a course work evaluation tool that has been developed. Hansmeyer stated that this is a

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tool that has been validated in everything by study to make sure it would be a standard that we would use for foreign trained. Hansmeyer stated that the Board has its own course work tool.

Stuberg moved, seconded by Jeffrey, that at the next revision of the rules and regulations they would adopt the FCCPT course work evaluation tool and that they would take a look at what they would set as the requirements for the State of Nebraska. Voting aye: Stuberg, Brown, Jeffrey and Frew. Voting nay: None. Not voting: None. Motion carried.

### **Examination Candidate Comments**

The first time pass rate on the jurisprudence examination is 90.23.

### **MIPS Update**

Stuberg called the Board's attention to a letter, which he sent to Christine Peterson, Director of Health and Human Services Regulation and Licensure, and the response sent back to the Board. He stated that the letter did answer the concerns of the Board. Stuberg also mentioned a letter sent by Heather Jenny, dated July 28, 2005 regarding a meeting that was held between representatives of the Department of Health and Human Services, Medicaid Division and the MIPS program, and the Department of Education about the concerns that had been raised regarding utilization of paraprofessionals in the public schools and particularly utilization of paraprofessionals that would not follow the State Physical Therapy Practice Act that requires first, that they have direct onsite supervision and second, delineates the scope of activities a paraprofessional is allowed to do. The MIPS coordinator indicated that the program does not have a mechanism to clarify when billing is received from a school district. Stuberg felt that the Board should request a legal opinion from the Department's legal staff.

Stuberg moved, seconded by Brown, to send a letter to the Department's legal staff requesting legal advice as to what the Board should advise PT's regarding Medicaid in Public Schools (MIPS) issue. Voting aye: Frew, Jeffrey, Brown and Stuberg. Voting nay: None. Not voting: None. Motion carried.

### **College Board CLEPS**

The Board received an email from Parul Luthra regarding credit hours that she needs in order to fulfill her general education requirements. She wanted to know if she could get the hours by taking the CLEP examination. Hansmeyer will consult with the legal staff to see if this examination can be used.

### **FSBPT Annual Meeting Motion for Delegate Assembly**

The Board reviewed the motions that would be voted on at the Federation's annual meeting and decided how their delegate should vote on each.

### **MISCELLANEOUS**

The next Board meeting will be held on November 14, 2005

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**ADJOURNMENT**

There being no further business, the meeting was adjourned 12:10 p.m.

Respectfully submitted,

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Susan Jeffrey, Secretary